**The Impact of Domestic Violence on Divorce in Illinois**

Many marriages end up in a divorce due to domestic violence, as the household environment becomes extremely dangerous for the victimized spouse and children. However, according to the recent changes in the IMDMA, Illinois is now a no-fault divorce state. This means that domestic violence cannot be used as a ground for divorce, and there must exist be irreconcilable differences leading to an irretrievable breakdown of marriage.

According to the [American Academy of Matrimonial Lawyers](http://aaml.org/about-the-academy/press/press-releases/domestic-violence/domestic-violence-rise-say-nation%E2%80%99s-top-div), attorneys surveyed indicated a sharp rise of 32 percent in divorce cases involving domestic violence, of which 36 percent notified that there has also been an increase in the number of restraining orders against an abusive spouse. If you are a victim of domestic violence and contemplating divorce, it is important that you work with a divorce attorney and understand what aspects of your case will be affected by domestic violence.

**Property Division**

Since Illinois is an equitable distribution state, the property will be divided between you and your spouse in a fair, equitable manner. So, if an order of protection is in place against the abusive spouse, the court is likely to take effective steps in preventing any financial abuse and protecting marital assets. This means that your spouse will not be able to sell the marital property or keep share of the capital gained from the sale from you or deny access to physical property. However, the judge will evaluate the history of domestic violence, and determine the most suitable way for dividing assets, allowing the victimized spouse to move on with their life after divorce in a positive direction.

**Parenting Time**

While domestic violence has a significant effect on parenting time, it is not enough to restrict it completely. But if the abuse is extended to the child and their mental or physical safety is at risk, the court may order supervised parenting time. In only extreme cases, the court may deny parenting time. And because you will be awarded the greater amount of parenting time, you are likely to receive child support accordingly to manage expenses and costs associated with upbringing your children.

**Legal Penalties on the Abuser**

Under the Illinois Domestic Violence Act, domestic violence is considered a criminal offense. The abusing party can receive criminal charges for violating the law, and also for breaching an order of protection. However, since this type of charges are dealt with in a criminal court system, and are not concerned with the civil court system, the attorney office may pursue a case for domestic violence, but it is completely up to them.

**Proving Domestic Violence in a Divorce Case**

It can be difficult to show the presence of domestic violence during divorce proceedings. It is best that you gather and preserve solid evidence to support your claim, such as emails, text messages, videos, pictures, police reports, medical records, and others to establish that you have been a victim of domestic violence.

It is advisable to retain the services of an experienced and reliable [divorce attorney](https://lawyer-il.com/family-law-practice-areas/domestic-violence/) who can create a legal strategy and help you get the best possible outcomes of your case. [Contact](https://lawyer-il.com/contact/) the Law Office of Fedor Kozlov, P.C. today at (847) 241-1299 to schedule a free initial consultation.